



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

March 1, 1996

Mary Johnson  
Bureau of Land Management  
Phoenix District Office  
2015 W. Deer Valley Road  
Phoenix, AZ 85027

Dear Ms. Johnson:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the **Cyprus Bagdad Copper Corporation Proposed Tailings and Waste Rock Storage Areas, Yavapai County, Arizona**. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations, and Clean Air Act Section 309.

In our October 13, 1995, letter to you regarding the Draft Environmental Impact Statement (DEIS), we expressed our objections to the proposed project based on its potential impacts to water quality, and we requested additional information in the FEIS. The FEIS provided some of the requested information; however, all of our comments have not sufficiently been addressed. We have the following comments on the FEIS.

According to response 6-8, the majority of the acid-generating ore will be removed from the pit during mining operations. Any residual oxidation of sulfide ores left in the pit would, therefore, produce a small amount of waste when compared to the large volume of water that will be flowing into the pit on an annual basis. It remains unclear how much ore would be left, and what exactly would be left behind. Therefore, this statement is unfounded in the document. We recommend that quantitative modeling be conducted, prior to signing a Record of Decision, to confirm Woodward-Clyde's prediction.

The FEIS does not include geologic cross-sections, which we requested in our DEIS comment letter. It is therefore, difficult to determine subsurface geology. For example, the Gila formation does not appear to occur in lower Mammoth Wash but is, according to the FEIS, an influence on groundwater there. Geologic maps and cross-sections are standard inclusions in mining EISs because surface and subsurface geology can be important factors influencing environmental impacts of proposed projects and are

referenced in describing those impacts. We urge BLM to include more detailed geologic information, including maps and cross-sections, in future mining EISs. This information, which may be included in the Aquifer Protection Program (APP) application for the Arizona Department of Environmental Quality, does not aid the EIS reviewer unless he/she has the APP documentation.

In our comment letter on the DEIS, we requested additional information regarding mitigation and monitoring of impacts to waters of the U.S. Response 6-24 in the FEIS states that a mitigation and monitoring plan will be required by the U.S. Army Corps of Engineers as part of the Section 404 permit. This is not always true in the case of a nationwide permit. Furthermore, EPA will not necessarily have the opportunity to review the mitigation plan. Pursuant to 40 CFR 1502.14(f), the EIS should include appropriate mitigation measures not already included in the proposed action. Moreover, pursuant to 40 CFR 1502.16(h), the EIS should discuss means to mitigate adverse environmental impacts if not fully covered under section 1502.14(f). EPA recommends that agencies preparing EISs dovetail the NEPA and Clean Water Act Section 404 processes to ensure that mitigation and monitoring are addressed in the EIS and do not conflict with the 404 permit requirements. We request a copy of the mitigation and monitoring plan when it becomes available.

In accordance with 40 CFR 1505.2(c), the ROD should:

"State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation."

We, therefore, recommend that BLM not sign the Record of Decision (ROD) until the mitigation and monitoring plan is complete.

We appreciate the opportunity to review this FEIS. If you have any questions, please call me at (415) 744-1584 or Jeanne Geselbracht at (415) 744-1576.

Sincerely,



David J. Farrel, Chief  
Office of Federal Activities

cc: Marjorie Blaine, COE-Phoenix